

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CB DISTRIBUTORS, INC.,

Plaintiff,

V.

MICHELE LEONHART, solely in her official capacity as Administrator of the United States Drug Enforcement Administration; and UNITED STATES DRUG ENFORCEMENT ADMINISTRATION,

Defendants.

Case Number 09-cv-0402-bbc

**DECLARATION OF KATHY L. FEDERICO
IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION
FOR A WRIT OF MANDAMUS AND PRELIMINARY INJUNCTION**

I, Kathy L. Federico, hereby declare and state as follows:

1. I am employed as a Diversion Investigator with the U.S. Drug Enforcement Administration ("DEA") and have served in this capacity since 1988. I am currently assigned to the Chicago Field Division, Milwaukee District Office Diversion Group.

2. My duties include investigating the illegal diversion of List I chemicals by distributors, retailers, and wholesale distributors. I have also attended training and have received instruction on many aspects of controlled substances and investigations of violation of laws promulgated under Title 21 of the United States Code. While

employed with the DEA, I have also been charged with investigating violations of the Controlled Substances Act. I make this affidavit on personal knowledge.

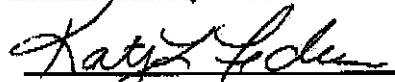
3. I understand that Plaintiff CB Distributors, Inc. ("CB") has filed a Complaint alleging that the DEA is required to return approximately 15 million tablets of Ephedrine/Guaifenesin seized by the DEA pursuant to a warrant on March 26, 2009. I prepared and signed the affidavit that led to the issuance of this warrant. Attached as Exhibit A is a true and correct copy of the warrant, with my supporting affidavit. The warrant was provided to CB on March 26, 2009.

4. The estimated value of the tablets seized on March 26, 2009, is \$4.1 million. The value per pill is based upon customer verifications conducted in July 2008 after an on-site regulatory inspection at CB. At that time, the average cost per pill was approximately \$0.27.

5. I understand that CB has alleged that the tablets require proper storage under specific conditions that will preserve their shelf life, efficacy, and integrity. The tablets are presently being stored in their original packaging and shrink-wrapping in a secure cement block warehouse in which the temperature is between 65 and 75 degrees.

I declare, under the penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed this 9 day of July, 2009, in Milwaukee, Wisconsin.



Kathy L. Federico
Diversion Investigator
U.S. Drug Enforcement Administration